

REMARKS

This Amendment is responsive to the Examiner's Office Action of July 25, 2006. In such Action, the Examiner rejected the claims primarily under the Section 103(a) combination of Ludwig and e-Focusgroups.com. Applicant respectfully traverses the Examiner's rejection of the claims and offers the foregoing amendments and following remarks in support thereof.

Claims 1, 12, 21, 22, 33, 41, 42, 47 and 52 have been amended. No new matter has been inserted. Claims 2-4, 6, 8-9, 11, 19-20, 23, 27-31, 34, 37-39, 43 and 53 have been canceled without prejudice by this amendment or previous amendment. No new matter has been inserted. Claims 1, 5, 7, 10, 12-18, 21, 22, 24-26, 32, 33, 35, 36, 40-42, 44-52 and 54-58 remain pending in the application. Applicant respectfully requests reconsideration of the Examiner's rejections.

The Examiner acknowledges that Ludwig fails to disclose a live two way audio and two way video conference conducted over the Internet. Ludwig requires a LAN and WAN computer configuration which is a private computer network of an organization for communicating and conferences between members of the organization. Ludwig does not provide, nor does Ludwig desire, conferencing over a public network like the Internet. As Applicant's claimed invention is conducted over the publicly accessible Internet, invited participating individuals are provided with sign-in information which permits them to access the specific live study.

In Ludwig the participants (including the equivalent of moderator, client, individuals, users) are all from the same business entity or organization. Applicant's claims now specifically state that the participants or individuals are independent from the moderator and the client. By "independent", Applicant is referring to that the participants do not have a connection to the moderator or client. This drastically differs from Ludwig, as in Ludwig all of the people to the conference are from the same business entity or organization and do in fact have a prior connection and are not independent.

As also claimed in certain claims, Applicant's claimed website is owned or operated by individuals who are also independent from the client. In Ludwig, the LAN/WAN is owned by the business entity, not a separate independent entity.

Furthermore, as the conference participants for Ludwig are all from the same company, often the subject matter of their conferences can involve highly sensitive trade secret or confidential information. Thus, by using a LAN/WAN configuration, Ludwig ensures that the information remains internally and cannot be compromised. With this potentially secretive information being discussed, the Ludwig company would not turn to an independently owned third party website (e-focusgroup.com, etc.) to run its conference. Even if the conference could be secured, individuals from the third party website could still access the information.

Thus, as Ludwig is concerned with interpersonal communications (i.e. company communications) it benefits significantly by not using the Internet, and by solely using a LAN/WAN configuration. A reading of Ludwig readily reveals that Ludwig was not looking for alternatives to using a LAN/WAN communication network, but rather was looking for ways to improve LAN/WAN technology so that it could be used by more than a few workstations. See Col 2., lines 42-50.

Applicant also respectfully disagrees with the Examiner's statement that Ludwig is used for an online focus group study. It is well known to one having ordinary skill in the art, that the participants to a focus group study do not have any connection to the stimulus or sponsoring client. Ludwig is concerned with interpersonal communications between individuals from the same organization. A company does not perform a focus group study with its own employees.

Additionally, as mentioned above, the participants to a Ludwig conference are from the same organization or business entity that have gotten together to discuss a company issue. Thus, there would be no motivation to block certain participants from hearing communications of other participants (i.e. Applicant's claimed client communications). As such, there is no motivation, teaching or suggestion in Ludwig for having certain communications not heard by the other participants.

Furthermore, requiring participants to have sign-in and password information to join the conference only complicates Ludwig. Thus, there is no motivation, teaching or suggestion for this claimed limitation. As Ludwig is a LAN/WAN network, the leader for the conference merely selects the participants from his computer rolodex. There is no reason to complicate this convenient feature of Ludwig as suggested by the Examiner.

The secondary references relied on by the Examiner fail to correct any of the above-noted deficiencies in Ludwig. Thus, even if the cited references could be combined, they still fail to teach Applicant's claimed invention. Applicant is also in the process of preparing a Rule 132 Declaration, which will be filed under separate cover, and which provides further support as to why Applicant's uniquely claimed invention is not obvious.

Applicant also incorporated by reference all of its previous arguments concerning the references relied on by the Examiner.

For the foregoing reasons, Applicant respectfully requests that the Examiner's rejections be withdrawn and all claims in the subject application be permitted to proceed to allowance.

Applicant has completely responded to the Office Action dated July 25, 2006. Favorable action is respectfully requested.

Any additional charges, including Extensions of Time, please bill our Deposit Account No. 503180.

Respectfully submitted,



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